IN THE HIGH COURT OF UTTARANCHAL, AT NAINITAL

Criminal Revision No. 988/2001
(Old No. 269/1994)

1. Baseer Khan
2. Smt. Saheedan @ Sangrami ……Revisionists

Versus

State of U.P. ……Respondent

Hon'ble Irshad Hussain, J.

Heard Sri N.S.Negi learned counsel for the revisionists and learned A.G.A.

This is a revision against the judgment and order dated 25.1.1994 in criminal case no. 13/1991 whereby the learned Sessions Judge, Chamoli at Gopeshwar upheld the conviction of the revisionists under Sections 323/504 I.P.C. but the sentence of fine awarded to them was reduced to Rs. 1000/- each against each of the two counts.

Learned counsel for the revisionists confined his argument only to the quantum of sentenced of fine and submitted that considering the very minor injuries, the fine of Rs. 1000/- for the two counts was on the higher side. It has been also mentioned that the parties were neighbours and some quarrel took place on a trifling matter and the revisionists have had no intention to cause any injury to the victim-Smt. Noorjahan. The occurrence took place wayback in the year 1998 and nothing has been reported regarding the parties being still at loggerheads. Considering this the submission of the learned counsel for the revisionists has force and a suitable reduction in the sentence of fine may be made to meet the ends of justice.

In view of above, the revision is partly allowed and conviction of the revision under Sections 323/504 IPC is upheld. The fine is reduced to Rs. 500/- on each of the two counts.

Learned counsel stated that the sum of Rs. 500/- in respect of the two counts have been deposited by the revisionists before the learned Magistrate. Since by the order dated 16.2.1994 realization of the half of the amount of fine had been only stayed, therefore, the submission of the learned counsel has to be accepted that the fine amounting to Rs. 500/- against the two counts have been

deposited. The deposit fulfill the requirement of the sentence, therefore the compliance is not required from the learned Magistrate. Bail bonds of the revisionists are cancelled.

(Irshad Hussain, J.)

Dated 24.03.2004

Rawat